

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

ERIC STROBEL,

Plaintiff,

v.

ORDER

Civil File No. 11-32 (MJD/AJB)

PROVIDENT LIFE AND ACCIDENT
INSURANCE CO., and
UNUM GROUP,

Defendants.

Kurtis A. Greenley, Lindquist & Vennum PLLP, Counsel for Plaintiff.

Molly R. Hamilton and Terrance J. Wagener, Messerli & Kramer, P.A., Counsel
for Defendants.

The above-entitled matter comes before the Court upon the Report and Recommendation of Chief United States Magistrate Judge Arthur J. Boylan dated August 3, 2011. [Docket No. 59] Both Plaintiff Eric Strobel and Defendant Provident Life and Accident Insurance Co. filed objections to the Report and Recommendation.

Pursuant to statute, the Court has conducted a de novo review upon the record of the portion of the Magistrate Judge's disposition to which specific

written objection has been made. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the Court **ADOPTS** the Report and Recommendation of Chief United States Magistrate Judge Boylan dated August 3, 2011.

Accordingly, based upon the files, records, and proceedings herein, **IT IS**
HEREBY ORDERED:

1. Plaintiff's Motion to Strike and Dismiss Defendant's ERISA Preemption Defense [Docket No. 11] is **DENIED**.
2. Defendant's Motion for Partial Summary Judgment [Docket No. 17] is **DENIED**.

Dated: November 8, 2011

s/ Michael J. Davis

Michael J. Davis

Chief Judge

United States District Court